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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,281	Applicant(s) PARK ET AL.	
	Examiner Charles Appiah	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 250-321 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 250-259, 262-271, 274-287, 289-297, 299-309, 311-319 and 321 is/are rejected.
- 7) ☒ Claim(s) 260, 261, 272, 273, 288, 298, 310 and 320 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/564,941.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. Claims 250-321 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-102 of U.S. Patent No. 6,741,868.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad and are encompassed by the claims of the patent.

2. Claims 250, 265, 278, 289, 300 and 311 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,782,274. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad enough to be encompassed by the claims of the patent.

3. Claims 250-321 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 250-322 of copending Application No. 10/824,908 ('908 application). Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad enough to be encompassed by the claims of the '908 application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 250-321 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 250-303 of copending Application No. 10/824,929 ('929 application). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant are broad enough to be encompassed by the limitations of claims of the '929 application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 250, 251, 253, 255-259, 300, 301, 303, 305-307, 308 and 309 are rejected under 35 U.S.C. 102(e) as being anticipated by **Korpela (5,946,634)**.

Regarding claims 250 and 300, Korpela discloses a method for interfacing between a terminal (10), and a radio network (20a-20c) and a core network (30a-30c), connected to the radio network, wherein the radio network has an asynchronous operating type and the terminal has a hybrid operating type being possible to be set as either a synchronous operating type or the asynchronous operating type (digital signal processor of mobile terminal capable of operating in

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several modes under control of the control device to selectively interconnect and set up either a voice or data (B-ISDN) communication session, see col. 3, line 66 to col. 4, line 3), the method comprising: providing the terminal with a message including a core network operating type information representing an operating type of a core network (see Fig. 9, steps 1202-1206, col. 6, lines 29-41).

Regarding claims 251, 253, 301 and 303, Korpela further discloses storing a core network operating type information (storage as code file, step 1222, Fig. 10), and reading the core network operating type information stored on a storage device during a time period of initialization of the radio network (registering on network and proceeding using new protocols, steps 1230, 1232 of Fig. 12) and wherein the storage device includes a memory for storing the operating type of the core network (feature of step 1304 of Fig. 11).

Regarding claims 255, 256, 305 and 306, Korpela further teaches inserting the core network operating type information into the message and transmitting the message through a predetermined channel (see 102 of Fig. 8) and wherein the predetermined channel is a broadcast control channel (mobile terminal receives broadcast signals as transmitted on the broadcast control channel, col. 6, lines 14-41 and col. 2, line 66 to col. 3, line 5).

Regarding claims 257 and 307, Korpela further discloses wherein the core network operating type information is periodically inserted into the predetermined location of the message to be transmitted to the terminal (see col. 6, lines 15-24).

Regarding claims 258, 259, 308 and 309, Korpela's teaching as illustrated in Figs. 8 and 9 shows the message including a master information block and system information message (see col. 6, lines 14-41, Fig. 8).

Regarding claims 265, Korpela discloses an apparatus for interfacing between a terminal (10), and a radio network (20a-20c), wherein the radio network has an asynchronous operating type and the terminal has a hybrid operating type being possible to be set as either a synchronous operating type or the asynchronous operating type (digital signal processor of mobile terminal capable of operating in several modes under control of the control device to selectively interconnect and set up either a voice or data (B-ISDN) communication session, see col. 3, line 66 to col. 4, line 3), comprising: a storage device contained in the radio network for storing core network operating information representing an operating type of a core network (see col. 4, lines 14-36), extraction block, contained in the radio network, for reading the core network operating type information during a period of initialization of the radio network (registering on network and proceeding using new protocols, steps 1230, 1232 of Fig. 12) and wherein the storage device includes a memory for storing the operating type of the core network (feature of step 122 of Fig. 10), and messaging block (see 102 of Fig. 8), contained in the radio network, for periodically providing the terminal with the core network operating type information contained in a message through a predetermined channel (see col. 6, lines 14-28).

Regarding claim 267, Korpela further discloses wherein the storage device includes a memory for storing the operating type of the core network (accessing protocol file in store 26, step 1304 of Fig. 11).

Regarding claim 269, Korpela further discloses wherein the predetermined channel is a broadcast control channel (mobile terminal receives broadcast signals as transmitted on the broadcast control channel, col. 6, lines 14-41 and col. 2, line 66 to col. 3, line 5).

Regarding claims 270 and 271, Korpela's teaching as illustrated in Figs. 8 and 9 shows the message including a master information block and system information message (see col. 6, lines 14-41, Fig. 8).

Regarding claim 277, Korpela further discloses wherein the radio network includes at least one BTS (20) for transmitting the message and BSC for controlling the BTS (see col. 1, lines 19-34, and col. 4, lines 13-15).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 252, 254 and 302, 304304 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Korpela (5,946,634)**.

Regarding claims 252, 254, 266, 268, 302 and 304, Korpela meets all limitations as applied to claims 251 and 301 above, but fails to specifically teach that the storage device includes a dip-switch for designating the operating type of the core network and the memory is a read only memory (ROM).

The use of storage devices including a dip-switch or ROM is very well known in the art and as such examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to provide a storage or memory device including a dip-switch or ROM in the system of Korpela in order to control the executing of codes from the storage locations for effecting desired communications.

9. Claims 262-266, 268, 274-276, 288, 279, 280-287, 289, 290, 292-297, 299, 308, 309, 311-318, 319 and 321 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Korpela (5,946,634)** in view of **Lupien et al. (6,389,008)**.

Regarding claims 262 and 274, Korpela meets all limitations as applied above to claims 250 and 265 but fails to specifically that the core network type information includes an ANSI-41 information representing a synchronous operating type core network.

Lupien discloses an integrated radio communication network, which integrates an ANSI-41 circuit switched network and a GPRS packet data network (see title, abstract), wherein the amount of integration is kept as low as possible by maintaining the integrity of each network function and node on both the GPRS side of the interface and the ANSI-41 side (see col. 4, lines 42-63, col. 16, lines 35-51), and includes an ANSI-41 core network (see col. 12, lines 3-21).

It would therefore have been obvious to one of ordinary skill in the art to implement Korpela's multiple protocol communication system wherein a core network operates according to ANSI-41 protocols in order to allow mobile subscribers to access both voice/circuit switched and packet switched services in a flexible manner as taught by Lupien.

Regarding claims 263, 264, 275 and 276, Korpela further discloses the core network operating type information including GSM-MAP information feature of GSM networks, (GSM evolutionary networks, col. 2, lines 38-40), but fails to specifically teach the GSM-MAP information represents an asynchronous operating type core network and an ANSI-41 information representing a synchronous operating type.

Lupien discloses an integrated radio communication network, which integrates an ANSI-41 circuit switched network and a GPRS packet data network (see title, abstract), wherein

the amount of integration is kept as low as possible by maintaining the integrity of each network function and node on both the GPRS side of the interface and the ANSI-41 side (see col. 4, lines 42-63, col. 16, lines 35-51), and includes an ANSI-41 core network (see col. 12, lines 3-21).

It would therefore have been obvious to one of ordinary skill in the art to implement Korpela's multiple protocol communication system wherein a core network operates according to ANSI-41 and GSM-MAP protocols in order to allow mobile subscribers to access both voice/circuit switched and packet switched services in a flexible manner as taught by Lupien.

Regarding claims 266 and 268, Korpela as modified by Lupien fail to specifically teach that the messaging block includes a dip-switch for designating the operating type of the core network and the memory is a read only memory (ROM).

The use of storage devices including a dip-switch or ROM is very well known in the art and as such examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to provide a storage or memory device including a dip-switch or ROM in the system of Korpela and Lupien in order to control the executing of codes from the storage locations for effecting desired communications.

Regarding claim 278, Korpela discloses a method for interfacing between a terminal (10), and a radio network (20a-20c) and a core network (30a-30c), connected to the radio network, wherein the radio network has an asynchronous operating type and the terminal has a hybrid operating type being possible to be set as either a synchronous operating type or the asynchronous operating type (digital signal processor of mobile terminal capable of operating in several modes under control of the control device to selectively interconnect and set up either a voice or data (B-ISDN) communication session, see col. 3, line 66 to col. 4, line 3), the

method comprising: providing the terminal with a message including a core network operating type information representing an operating type of a core network (see Fig. 9, steps 1202-1206, col. 6, lines 29-41). Korpela teaches the core network having a GSM-MAP operating type, (GSM evolutionary networks, col. 2, lines 38-40), but fails to specifically teach the GSM-MAP information represents an asynchronous operating type core network and an ANSI-41 information representing a synchronous operating type.

Lupien discloses an integrated radio communication network, which integrates an ANSI-41 circuit switched network and a GPRS packet data network (see title, abstract), wherein the amount of integration is kept as low as possible by maintaining the integrity of each network function and node on both the GPRS side of the interface and the ANSI-41 side (see col. 4, lines 42-63, col. 16, lines 35-51), and includes an ANSI-41 core network (see col. 12, lines 3-21).

It would therefore have been obvious to one of ordinary skill in the art to implement Korpela's multiple protocol communication system wherein a core network operates according to ANSI-41 and GSM-MAP protocols in order to allow mobile subscribers to access both voice/circuit switched and packet switched services in a flexible manner as taught by Lupien.

Regarding claims 279 and 281, Korpela further discloses storing a core network operating type information (storage as code file, step 1222, Fig. 10), and reading the core network operating type information stored on a storage device during a time period of initialization of the radio network (registering on network and proceeding using new protocols, steps 1230, 1232 of Fig. 12), and wherein the storage device includes a memory for storing the operating type of the core network (feature of step 1304 of Fig. 11).

Regarding claims 280 and 282, Korpela as modified by Lupien fail to specifically teach that the messaging block includes a dip-switch for designating the operating type of the core network and the memory is a read only memory (ROM).

The use of storage devices including a dip-switch or ROM is very well known in the art and as such examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to provide a storage or memory device including a dip-switch or ROM in the system of Korpela and Lupien in order to control the executing of codes from the storage locations for effecting desired communications.

Regarding claims 283 and 284, Korpela further discloses inserting the core network operating type into the message (see Fig. 8), and transmitting the message through a predetermined channel, wherein the predetermined channel is a broadcast control channel (use of broadcast access channel to transmit signals, including backbone network type code, see col. 6, lines 14-24).

Regarding claim 285, Korpela further discloses wherein the core network operating type information is periodically inserted into the message (see col. 6, lines 15-24).

Regarding claims 286, 287 308 and 309, Korpela's teaching as illustrated in Figs. 8 and 9 shows the message including a master information block and system information message (see col. 6, lines 14-41).

Regarding claims 289 and 311, Korpela discloses an apparatus for interfacing between a terminal (10), and a radio network (20a-20c) and a core network (30a-30c), connected to the radio network, wherein the radio network has an asynchronous operating type and the terminal has a hybrid operating type being possible to be set as either a synchronous operating type or the

asynchronous operating type (digital signal processor of mobile terminal capable of operating in several modes under control of the control device to selectively interconnect and set up either a voice or data (B-ISDN) communication session, see col. 3, line 66 to col. 4, line 3), the apparatus comprising: a storage device for storing core network operating information representing an operating type of a core network (see col. 4, lines 14-36), extraction block, for reading the core network operating type information during a period of initialization of the radio network (registering on network and proceeding using new protocols, steps 1230, 1232 of Fig. 12) and wherein the storage device includes a memory for storing the operating type of the core network (feature of step 122 of Fig. 10), and messaging block (see 102 of Fig. 8), for providing the terminal with the core network operating type information contained in a message through a predetermined channel (see Fig. 9, steps 1202-1206, col. 6, lines 14-41). Korpela teaches the core network having a GSM-MAP operating type, (GSM evolutionary networks, col. 2, lines 38-40), but fails to specifically teach the GSM-MAP information represents an asynchronous operating type core network and an ANSI-41 information representing a synchronous operating type.

Lupien discloses an integrated radio communication network, which integrates an ANSI-41 circuit switched network and a GPRS packet data network (see title, abstract), wherein the amount of integration is kept as low as possible by maintaining the integrity of each network function and node on both the GPRS side of the interface and the ANSI-41 side (see col. 4, lines 42-63, col. 16, lines 35-51), and includes an ANSI-41 core network (see col. 12, lines 3-21).

It would therefore have been obvious to one of ordinary skill in the art to implement Korpela's multiple protocol communication system wherein a core network operates according

to ANSI-41 and GSM-MAP protocols in order to allow mobile subscribers to access both voice/circuit switched and packet switched services in a flexible manner as taught by Lupien.

Regarding claims 290, 292, 312 and 314, Korpela as modified by Lupien fail to specifically teach that the storage device includes a dip-switch for designating the operating type of the core network and the memory is a read only memory (ROM).

The use of storage devices including a dip-switch or ROM is very well known in the art and as such examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to provide a storage or memory device including a dip-switch or ROM in the system of Korpela and Lupien in order to control the executing of codes from the storage locations for effecting desired communications.

Regarding claims 293, 294, 315 and 316, Korpela further discloses wherein the messaging block inserts the core network operating type into the master information block (see Fig. 8), and provides the terminal with the master information block through a predetermined channel, wherein the predetermined channel is a broadcast control channel (use of broadcast access channel to transmit signals, including backbone network type code, see col. 6, lines 14-24).

Regarding claims 295 and 317, Korpela further discloses wherein the core network operating type information is periodically inserted into the master information block (see col. 6, lines 15-24).

Regarding claims 296, 297, 318 and 319, Korpela's teaching as illustrated in Figs. 8 and 9 shows the message including a master information block and system information message (see col. 6, lines 14-41).

Regarding claim 299, Korpela further discloses wherein the radio network includes at least one BTS for transmitting an inherent synchronous channel message and BSC for controlling the BTS (see col.1, lines 19-25).

Regarding claim 313, Korpela further discloses wherein the storage device includes a memory for storing the operating type of the core network (accessing protocol file in store 26, step 1304 of Fig. 11).

Regarding claim 321, Korpela further discloses wherein the radio network includes at least one BTS (20) for transmitting the message and BSC for controlling the BTS (see col. 1, lines 19-34, and col. 4, lines 13-15).

Allowable Subject Matter

10. Claims 260, 261, 272, 273, 288, 298, 309, 310, and 320 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huusko et al. (6,397,065) discloses a radio access network connected to one or more core networks.

Civanlar et al. (EP 0 841 831) discloses an apparatus for establishing a communication session between first and second terminals in communication over a plurality of networks that employ differing transmission standards.

Lane et al. (GB 2 283 154) discloses a device for selecting a communication network based on a recognized type of data flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA


CHARLES APPIAH
PRIMARY EXAMINER